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10 **UNITED STATES DISTRICT COURT**
DISTRICT OF NEVADA

11 ALEXIS IVAN VENEGAS BANUELOS,
12
13 Petitioner,
v.
14 PAMELA JO BONDI, *et al.*,
15 Respondents.

Case No. 2:25-cv-02483-RFB-BNW

**Federal Respondents' Response to
Petition for Writ of Habeas Corpus,
ECF No. 15**

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17 The Federal Respondents hereby submit this Response to Petitioner Alexis Ivan
18 Venegas Banuelos' ("Petitioner" or "Venegas Banuelos") Petition for Writ of Habeas
19 Corpus, ECF No. 1.

20 **I. Introduction**

21 Petitioner seeks a writ of habeas corpus under 28 U.S.C. § 2241 challenging the
22 legality of his immigration detention. ECF No. 1, p.10-11. On January 14 2026, the Court
23 granted Joint Proposed Briefing Schedule to Respond to Petitioner's Writ of Habeas
24 Corpus. ECF No. 15.

25 Federal Respondents have carefully reviewed the Petition and submit this response
26 to address the issues identified by the Court. While Respondents do not consent to issuance
27 of the writ and expressly reserve all rights, including the right to appeal, Federal
28 Respondents respectfully submit that further briefing is unnecessary because the legal issues

1 presented are controlled by this Court's recent decisions in *Victor Kalid Jacobo Ramirez v.*
2 *Kristi Noem et al.*, Case No. 2:25-cv-02136-RFB-MDC and *Jesus Perez-Regalado v. Thomas*
3 *Feeley et al.*, Case No. 2:25-cv-02409-RFB-EJY and the material facts are not meaningfully
4 distinguishable.

5 **II. Background and Issues Presented**

6 Petitioner challenges ICE's statutory authority to detain him, asserting that
7 detention is governed by 8 U.S.C. § 1226(a) rather than 8 U.S.C. § 1225(b)(2)(A), and that
8 he is therefore entitled to a bond hearing. The Petition also raises the related issue of
9 attorney fees under the Equal Access to Justice Act. *See* ECF No. 1, pp. 13, 15.

10 Respondents' position is that Petitioner is subject to mandatory detention under 8
11 U.S.C. § 1225(b) because Petitioner was present in the United States without being
12 admitted or paroled. *See Matter of Yajure Hurtado*, 29 I. & N. Dec. 216, 228 (BIA 2025); *see*
13 *also Yinxiao Chen v. Almodovar*, 25-CV-09670, 2026 WL 100761, at *6–13 (S.D.N.Y. Jan.
14 14, 2026); *Xiaoquan Chen v. Almodovar*, 2025 WL 3484855, at *3–8 (S.D.N.Y. Dec. 4,
15 2025).

16 **III. This Court's Prior Decision Controls**

17 The Respondents' position remains consistent that Petitioners who enter the United
18 States without an inspection are applicants for admission, and they are subject to
19 mandatory detention under 8 U.S.C § 1225 (b)(2)(A). Respondents also acknowledge that
20 this Court recently reached different conclusions in *Victor Kalid Jacobo Ramirez v. Kristi*
21 *Noem et al.*, Case No. 2:25-cv-02136-RFB-MDC and *Jesus Perez-Regalado v. Thomas Feeley et*
22 *al.*, Case No. 2:25-cv-02409-RFB-EJY, ECF No. 17. In these cases, the Petitioners argued
23 that their detention was mandated by 8 U.S.C. § 1226(a) and not 8 U.S.C. § 1225(b)(2), just
24 like Petitioner Dominquez. Just like Petitioner Dominquez, the Petitioners in *Jacobo*
25 *Ramirez* and *Perez-Regalado* admitted that they entered the United States without an
26 inspection. Just like in these cases, the Respondents here are also arguing that Petitioner
27 Dominquez is an applicant for admission subject to mandatory detention under 8 U.S.C. §
28

1 1225(b)(2), during his removal proceedings. Just like in *Dominquez*, the Petitioners in
2 these cases argued that they should be given bond hearings and be released on a bond.

3 In a decision issued on November 24, 2025, the Court concluded that the
4 Petitioners' detention in *Jacobo Ramirez* was not governed by § 1225 but instead fell under §
5 1226. See *Victor Kalid Jacobo Ramirez v. Kristi Noem et al.*, Case No. 2:25-cv-02136-RFB-
6 MDC (ECF No. 35). The Court explained that many courts around the country have
7 rejected the application of § 1225 for people already living in the United States, and, held
8 that detention under § 1225 was improper. ECF No. 35. Because the petitioner had not
9 been afforded pre-deprivation process under § 1226(a), the Court ordered immediate
10 release subject to the bond conditions imposed by the Immigration Judge. ECF No. 35

11 Here, the material facts relevant to the statutory-authority question are not
12 meaningfully distinguishable from those presented in *Jacobo Ramirez* and *Perez-Regalado*.
13 Accordingly, if the Court adheres to its prior ruling, that decision would control the
14 outcome of the statutory-authority issue in this case.

15 **IV. Respondents' Position and Preservation of Issues**

16 While Respondents respectfully maintain their position that detention is authorized
17 under § 1225(b), they acknowledge that the Court's prior ruling would govern if applied
18 here. Respondents therefore rely upon, and incorporate by reference, the legal arguments
19 previously presented in *Jacobo Ramirez* and *Perez-Regalado*, without re-briefing those issues,
20 to conserve judicial and party resources and to facilitate prompt resolution of this matter.

21 Federal Respondents do not consent to issuance of the writ, the imposition of
22 attorney's fees, and expressly reserve all rights, including the right to appeal.

23 **V. Hearing**

24 Respondents submit that the Court may resolve this matter on the existing record
25 and without a hearing. If, however, the Court determines that a hearing would be helpful,
26 Federal Respondents will appear and present their position.

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